



General Assembly

January Session, 2013

Amendment

LCO No. 8680

SB0100708680HDO

Offered by:

REP. PERONE, 137th Dist.

SEN. LEBEAU, 3rd Dist.

SEN. OSTEN, 19th Dist.

To: Subst. Senate Bill No. 1007

File No. 652

Cal. No. 588

"AN ACT CONCERNING REVISIONS TO THE PAID SICK LEAVE STATUTES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 31-57r of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective January 1, 2014*):

5 As used in this section and sections 31-57s to 31-57w, inclusive:

6 (1) "Child" means a biological, adopted or foster child, stepchild,
7 legal ward of a service worker, or a child of a service worker standing
8 in loco parentis, who is (A) under eighteen years of age; or (B) eighteen
9 years of age or older and incapable of self-care because of a mental or
10 physical disability;

11 (2) "Day or temporary worker" means an individual who performs
12 work for another on (A) a per diem basis, or (B) an occasional or

13 irregular basis for only the time required to complete such work,
14 whether such individual is paid by the person for whom such work is
15 performed or by an employment agency or temporary help service, as
16 defined in section 31-129;

17 (3) "Employee" means an individual engaged in service to an
18 employer in the business of the employer;

19 (4) "Employer" means any person, firm, business, educational
20 institution, nonprofit agency, corporation, limited liability company or
21 other entity that employs fifty or more individuals in the state, [in any
22 one quarter in the previous year,] which shall be determined [on
23 January first, annually. Such determination shall be made based upon
24 the wage information submitted to the Labor Commissioner by the
25 employer pursuant to subsection (j) of section 31-225a] based on the
26 employer's payroll for the week containing October first, annually.
27 "Employer" does not include: (A) Any business [establishment
28 classified in] that is primarily engaged in activities that would be
29 included in sector 31, 32 or 33 in the North American Industrial
30 Classification System, or (B) any nationally chartered organization
31 exempt from taxation under Section 501(c)(3) of the Internal Revenue
32 Code of 1986, or any subsequent corresponding internal revenue code
33 of the United States, as from time to time amended, that provides all of
34 the following services: Recreation, child care and education;

35 (5) "Family violence" has the same meaning as provided in section
36 46b-38a;

37 (6) "Retaliatory personnel action" means any termination,
38 suspension, constructive discharge, demotion, unfavorable
39 reassignment, refusal to promote, disciplinary action or other adverse
40 employment action taken by an employer against an employee or a
41 service worker;

42 (7) "Service worker" means an employee primarily engaged in an
43 occupation with one of the following broad or detailed occupation
44 code numbers and titles, as defined by the federal Bureau of Labor

45 Statistics Standard Occupational Classification system or any successor
46 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and
47 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093
48 Social and Human Service Assistants; (E) 21-1094 Community Health
49 Workers; (F) 21-1099 Community and Social Service Specialists, All
50 Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070
51 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered
52 Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives;
53 (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-
54 2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050
55 Health Practitioner Support Technologists and Technicians; (R) 29-2060
56 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
57 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants;
58 (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-
59 9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091
60 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and
61 Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation
62 Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and
63 Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040
64 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria
65 Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-
66 9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ)
67 35-9090 Miscellaneous Food Preparation and Serving Related Workers;
68 (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping
69 Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM)
70 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010
71 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010
72 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care
73 Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line
74 Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021
75 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-
76 3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX)
77 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers
78 and Messengers; (ZZ) 43-6010 Secretaries and Administrative
79 Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data

80 Entry and Information Processing Workers; (CCC) 43-9030 Desktop
81 Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing
82 Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except
83 Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070
84 Office Machine Operators, Except Computer; (HHH) 43-9080
85 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ)
86 43-9190 Miscellaneous Office and Administrative Support Workers;
87 (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry
88 and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food
89 Processing Workers; (NNN) 53-3010 Ambulance Drivers and
90 Attendants, Except Emergency Medical Technicians; (OOO) 53-3020
91 Bus Drivers; or (PPP) 53-3040 Taxi Drivers and Chauffeurs, and is (i)
92 paid on an hourly basis, or (ii) not exempt from the minimum wage
93 and overtime compensation requirements of the Fair Labor Standards
94 Act of 1938 and the regulations promulgated thereunder, as amended
95 from time to time. "Service worker" does not include day or temporary
96 workers;

97 (8) "Sexual assault" means any act that constitutes a violation of
98 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a;
99 [and]

100 (9) "Spouse" means a husband or wife, as the case may be; and

101 (10) "Year" means any three hundred sixty-five-day period used by
102 an employer to calculate employee benefits.

103 Sec. 2. Section 31-57s of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective January 1, 2014*):

105 (a) Each employer shall provide paid sick leave annually to each of
106 such employer's service workers in the state. Such paid sick leave shall
107 accrue (1) beginning January 1, 2012, or for a service worker hired after
108 said date, beginning on the service worker's date of employment, (2) at
109 a rate of one hour of paid sick leave for each forty hours worked by a
110 service worker, and (3) in one-hour increments up to a maximum of
111 forty hours per [calendar] year. Each service worker shall be entitled to

112 carry over up to forty unused accrued hours of paid sick leave from
113 the current [calendar] year to the following [calendar] year, but no
114 service worker shall be entitled to use more than the maximum
115 number of accrued hours, as described in subdivision (3) of this
116 subsection, in any year.

117 (b) A service worker shall be entitled to the use of accrued paid sick
118 leave upon the completion of the service worker's six-hundred-
119 eightieth hour of employment from January 1, 2012, if the service
120 worker was hired prior to January 1, 2012, or if hired after January 1,
121 2012, upon the completion of the service worker's six-hundred-
122 eightieth hour of employment from the date of hire, unless the
123 employer agrees to an earlier date. A service worker shall not be
124 entitled to the use of accrued paid sick leave if such service worker did
125 not work an average of ten or more hours [a] per week for the
126 employer in the most recent complete [calendar] quarter.

127 (c) An employer shall be deemed to be in compliance with this
128 section if the employer offers any other paid leave, or combination of
129 other paid leave that (1) may be used for the purposes of section 31-57t,
130 as amended by this act, and (2) is accrued in total at a rate equal to or
131 greater than the rate described in subsections (a) and (b) of this section.
132 For the purposes of this subsection, "other paid leave" may include, but
133 not be limited to, paid vacation, personal days or paid time off.

134 (d) Each employer shall pay each service worker for paid sick leave
135 at a pay rate equal to the greater of either (1) the normal hourly wage
136 for that service worker, or (2) the minimum fair wage rate under
137 section 31-58 in effect for the pay period during which the employee
138 used paid sick leave. For any service worker whose hourly wage varies
139 depending on the work performed by the service worker, the "normal
140 hourly wage" shall mean the average hourly wage of the service
141 worker in the pay period prior to the one in which the service worker
142 used paid sick leave.

143 (e) Notwithstanding the provisions of this section and sections 31-

144 57t to 31-57w, inclusive, as amended by this act, and upon the mutual
 145 consent of the service worker and employer, a service worker who
 146 chooses to work additional hours or shifts during the same or
 147 following pay period, in lieu of hours or shifts missed, shall not use
 148 accrued paid sick leave.

149 Sec. 3. Subsection (b) of section 31-57t of the general statutes is
 150 repealed and the following is substituted in lieu thereof (*Effective*
 151 *January 1, 2014*):

152 (b) If a service worker's need to use paid sick leave is foreseeable, an
 153 employer may require advance notice, not to exceed seven days prior
 154 to the date such leave is to begin, of the intention to use such leave. If a
 155 service worker's need for such leave is not foreseeable, an employer
 156 may require a service worker to give notice of such intention as soon as
 157 practicable. For paid sick leave of three or more consecutive days, an
 158 employer may require reasonable documentation that such leave is
 159 being taken for [the purpose] one of the purposes permitted under
 160 subsection (a) of this section. If such leave is permitted under
 161 subdivision (1) or (2) of subsection (a) of this section, documentation
 162 signed by a health care provider who is treating the service worker or
 163 the service worker's child or spouse indicating the need for the number
 164 of days of such leave shall be considered reasonable documentation. If
 165 such leave is permitted under subdivision (3) of subsection (a) of this
 166 section, a court record or documentation signed by a service worker or
 167 volunteer working for a victim services organization, an attorney, a
 168 police officer or other counselor involved with the service worker shall
 169 be considered reasonable documentation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2014</i>	31-57r
Sec. 2	<i>January 1, 2014</i>	31-57s
Sec. 3	<i>January 1, 2014</i>	31-57t(b)